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June 7, 1994

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20036

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JUN 7 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: CC Docket No. 92-237
American Mobile Telecommunications
Association, Inc.

Dear Mr. Caton:

On behalf of the American Mobile Telecommunications Association, Inc., enclosed herewith please find its Reply Comments in the above-referenced proceeding.

Kindly refer any questions or correspondence to the undersigned.

Very truly yours,

Elizabeth R. Sachs (cls)
Elizabeth R. Sachs

ERS:cls

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN 7 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Administration of the)
North American Numbering Plan)

CC Docket No. 92-237
Phases One and Two

To: The Commission

**COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.**

Respectfully submitted,

**AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.**

By: 

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June 7, 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Association is concerned, however, that such a board (the "Numbering Policy Board") include all segments of the communications industry that interconnect with the Public Switched Telephone Network ("PSTN"). Should the Commission decide to establish a Numbering Policy Board, AMTA respectfully submits that the Specialized Mobile Radio ("SMR") and 220 MHz industries should be fully and equally represented with other wireless communications technologies. The Association also requests on behalf of its members that it be included on any such Board as the representative of its

membership.

I. INTRODUCTION

AMTA is a nationwide, non-profit trade association dedicated to the interest of the private carrier industry. The Association represents a variety of private land mobile licensees engaged in the provision of a broad range of primarily mobile voice and data services to eligible customers. AMTA's members include trunked and conventional 800 MHz and 900 MHz SMR operators, wide-area SMR licensees offering both analog and digital service, and 220-222 MHz commercial licensees.

Since many of AMTA's members provide for-profit, interconnected service to a substantial portion of the public in their service areas, these members will be reclassified as commercial mobile radio service ("CMRS") providers under the definition promulgated in the Commission's ongoing "regulatory parity" proceeding.¹ SMR and its offspring, Enhanced SMR ("ESMR"), are a growing segment of the exploding wireless communications industry. As providers of local and wide-area interconnected mobile radio services to a rapidly-growing nationwide customer base, AMTA's members will be significantly impacted by any Numbering Policy Board's decisions concerning the NANP and the new administrator's distribution of both geographic and non-geographic area codes. For these reasons, AMTA has a profound interest in the outcome of this proceeding.

¹ See Second Report and Order, Implementation of Sections 3(n) and 332 of the Communications Act, GN Docket No. 93-252, released March 7, 1994 ("CMRS Second Report and Order").

II. BACKGROUND

The Commission's NPRM in this proceeding comes against a backdrop of fast-changing technology and an explosion in communications products and services. As such, this docket has implications for a far wider audience than might heretofore have been expected.

While just a few years ago, proposed changes in the administration of the NANP may have held significant interest only to wireline telephone companies, this is no longer the case. Common carrier and private carrier paging, mobile satellite, interconnected two-way and mobile data services are among those segments of the communications industry which have been expanding at an impressive pace. These are some of the services making up the "wireless revolution" which promises to be this country's most significant growth industry of the decade. More importantly for the purposes of this proceeding, providers of these services all require interconnection to the PSTN to make their increasing number of rapid, efficient communications services available to the public. Each licensee must have access to NANP numbers to provide interconnected services to their customers.

In the NPRM, the Commission outlines the four functions inherent in NANP administration: policy making; dispute resolution; maintenance of number databases; and processing applications for numbers. NPRM at ¶ 7. It proposes to assign the latter two, ministerial functions to a new NANP administrator (Id. at ¶¶ 14-16), while reserving the first two functions to a separate Numbering Policy Board. Subject to Commission oversight, the Board might guide the new NANP administrator and resolve numbering

disputes through internal procedures or referral to the Commission. Id. at ¶ 25. The Commission notes that a new Board may be preferable to the several existing forums due to their frequent inability to reach consensus and the consequent fragmentation of numbering functions. Id. at ¶¶ 24-25.

It is vital to the continued growth of many communications services that all of numbering functions are carried out in an even-handed and efficient manner, making the most of available numbering resources to foster the development of all segments of the communications industry. AMTA offers the following comments on the proposed division of responsibility.

III. DISCUSSION

A. NANP Administrator

AMTA is pleased to note the Commission's recognition that a broad variety of communications entities now have a vital interest in the administration of the NANP. This is evident in the Commission's statements regarding the need for impartiality in any entity chosen to administer the Plan. See, e.g., NPRM at ¶15. While AMTA does not now take a position on the best choice among the Commission's alternatives of NECA, ATIS or a new body (Id. at ¶¶ 15-16), AMTA agrees that a single, non-governmental entity would be best placed to administer the ministerial functions of the Plan. The new administrator should not have strong ties to any segment of the communications industry which would be affected by the administrator's decisions; yet, as emphasized by the FCC, should be accountable to regulators and responsive to all affected segments of the industry. Id.

B. Numbering Policy Board

In theory, the Association further agrees with the Commission's proposal to create the Numbering Policy Board to assist in developing numbering policy and to resolve industry numbering disputes. Id. at ¶ 25. Depending on its makeup and its authority, such a Board could ensure that scarce number resources are impartially distributed, and could conserve the Commission's limited resources in resolving disputes.

AMTA suggests that the Numbering Policy Board would function most impartially if comprised primarily of multi-member industry representatives such as trade associations. While the interests of large wireline entities have been more than adequately represented in the past, it is imperative to the credibility of the Numbering Policy Board and the future of the wireless communications industry that all numbering resource users have an equally strong presence. By speaking for large numbers of radio service licensees in various segments of the communications industry, trade associations like AMTA present a broader view of the needs of FCC-regulated entities, and provide a voice for smaller entities which would not normally be heard. Thus, the Numbering Policy Board would not become merely a forum for disputes between individual corporate interests.²

C. SMR and AMTA Participation

AMTA urges the Commission to include on any Numbering Policy Board, all segments of the interconnected wireless communications industry including 800/900

² To prevent "vetoes" on numbering issues, making consensus impossible, AMTA suggests that the Numbering Policy Board employ a form of super-majority voting rather than a unanimity requirement.

MHz SMR and ESMR. Interconnected land mobile radio service providers have a strong interest in numbering policy, as in all issues relating to interconnection with the PSTN.³ As present or future common carriers, CMRS providers will be subject to a panoply of Title II regulatory obligations; they should concomitantly be included in all decision-making processes on common carrier issues. Number assignment is unquestionably one of those issues, and one which will have a significant impact on the future growth of the SMR and ESMR industries.

In the NPRM, the Commission tentatively concludes that the new NANP administrator should assume the responsibility for assignment, not only of Numbering Plan Area ("area") codes, but of central office ("CO") codes. NPRM at ¶ 29. AMTA agrees with the Commission's desire to centralize code-assignment decisions, and submits that the Numbering Policy Board should have jurisdiction over general code-assignment policy as part of its mission.

Existing land mobile service providers, including SMR operators, have traditionally implemented the number blocks of CO codes assigned by local exchange carriers ("LECs") to develop their businesses. Should CO assignment be re-allocated to the new NANP administrator, it is imperative that SMR interests be represented on any board formulating policy which the administrator will implement.

Moreover, SMR, ESMR and 220 MHz interests extend to area code assignment

³ As the Commission has noted, "commercial mobile radio service interconnection with the public switched network will be an essential component in the successful establishment and growth of CMRS offerings." CMRS Second Report and Order, at ¶ 235.

as well. While the Commission in the NPRM declines to conclude that mobile service providers may obtain new, non-geographic area codes for PCS services on a non-discriminatory basis, it notes that several companies have already requested expedited assignment of these codes. Id. at ¶¶ 39-40.⁴ AMTA submits that ESMR, a prospectively competitive wireless offering which will provide a variety of communications services to a nationwide customer base, has an equal need for geographic and non-geographic area codes to promote its development. The interests of the ESMR industry must be represented on the Numbering Policy Board.

As the pre-eminent trade association for the SMR and ESMR industries, AMTA hereby requests that it be included as a full and equal industry member of the Numbering Policy Board, or any entity created to represent industry interests in the NANP. The Association will bring to any such entity its nine years' experience in focusing on the interests and needs of the SMR industry. Its membership includes the licensees of approximately 78% of available SMR spectrum nationwide, and all major ESMR entities. AMTA respectfully submits that its inclusion on a Numbering Policy Board is vital if the interests of both large and small SMR licensees using numbering resources are to be fully represented in future numbering policy.

IV. CONCLUSION

For the reasons explained above, AMTA supports the Commission's proposal to assign NANP administration responsibilities to a single, non-governmental entity. It

⁴ In fact, since the release of the NPRM, the Commission has directed Bellcore to begin assignment of "500" codes.

tentatively supports the creation of a Numbering Policy Board to oversee numbering policy and dispute resolution, but suggests that such a Board be comprised of multi-member industry representatives such as trade associations, representing all segments of the communications industry using numbering resources. Finally, AMTA respectfully requests that it be included as a full and equal member of any Numbering Policy Board.

CERTIFICATE OF SERVICE

I, Cheri Skewis, a secretary in the law office of Lukas, McGowan, Nace & Gutierrez, hereby certify that I have, on this 7th day of June, 1994, caused to have hand-delivered, a copy of the foregoing Comments to the following:

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20036

The Honorable James H. Quello
Commissioner
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, DC 20036

The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
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Cheri Skewis